

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GIBSON HALL,	§
	§
Plaintiff Below-	§ No. 284, 2005
Appellant,	§
	§
v.	§
	§
JOE HUDSON, Support Services	§ Court Below—Superior Court
Manager, Delaware Correctional	§ of the State of Delaware,
Center, BEA ONEY, Corporal,	§ in and for New Castle County
Delaware Correctional Center Mail	§ C.A. No. 05C-04-116
Center, JENNY HAVEL, Support	§
Services Officer, Delaware	§
Correctional Center,	§
	§
Defendants Below-	§
Appellees.	§

Submitted: November 4, 2005

Decided: January 9, 2006

Before **STEELE**, Chief Justice, **HOLLAND**, and **BERGER**, Justices.

ORDER

This 9th day of January 2006, upon consideration of the parties' briefs and the record below, it appears to the Court that:

(1) The plaintiff-appellant, Gibson Hall, filed this appeal from the Superior Court's dismissal of his civil rights lawsuit filed pursuant to 42 U.S.C. § 1983. Hall, who is incarcerated, filed his complaint alleging that the defendants, who are employees of the Department of Correction, violated his constitutional rights by confiscating certain issues of his

subscription to *Black Belt* magazine and improperly classifying the issues as a security risk.

(2) The Superior Court dismissed Hall's complaint on the grounds that it was both legally and factually frivolous. The trial court found, as a matter of fact, that the confiscated issues taught or promoted violence. Thus, defendants' confiscation of these issues, which presented a security risk, was not a violation of Hall's civil rights. The Superior Court also concluded that Hall's complaint was legally frivolous because the defendants' regulation of Hall's mail was reasonably related to a legitimate penological interest.

(3) Having carefully considered the parties' respective positions on appeal, we find it manifest that the judgment of the Superior Court should be affirmed on the basis of the Superior Court's well-reasoned decision dated June 16, 2005. The Superior Court did not err in concluding that Hall's complaint was both factually and legally frivolous.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice